

REMARKS/ARGUMENTS

Summary of the Office Action

The disclosure stands objected to for alleged informalities.

Claims 36 and 54 stand objected to for alleged informalities.

Claims 30, 31, 32 and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Thrasher et al. (U.S. Patent No. 6,241,361) (hereinafter "Thrasher").

Claims 30, 32, 39 and 49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ruthenberg (U.S. Patent No. 6,184,628) (hereinafter "Ruthenberg").

Claims 30, 31, 39 and 50 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Poppenheimer (U.S. Patent No. 5,556,188) (hereinafter "Poppenheimer").

Claims 30, 32, 39 and 49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rowley et al. (U.S. Patent No. 3,962,675) (hereinafter "Rowley").

Claim 51 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Poppenheimer as applied to claims 30, 39 and 50 and further in view of Thrasher.

Claims 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being obvious over Rowley as applied to claims 30 and 32 and further in view of Poggi (U.S. Patent No. 5,800,041) (hereinafter "Poggi").

Claims 34-38, 40-48 and 52-62, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form.

Summary of the Response to the Office Action

Applicant has amended the disclosure. Applicant has amended claims 36 and 54 to improve their form. Accordingly, claims 30-62 remain currently pending for consideration.

Objection to the Disclosure

The disclosure stands objected to for alleged informalities. Applicant has amended the disclosure at the paragraph of the specification beginning at page 17, line 28, as suggested by the Examiner at page 2, section 1 of the Office Action. Accordingly, withdrawal of the objection to the disclosure is respectfully requested.

Claim Objections

Claims 36 and 54 stand objected to for alleged informalities. Applicant has amended those claims in accordance with the suggestion and comments provided by the Examiner at page 2, section 2 of the Office Action. Accordingly, withdrawal of the objection to claims 36 and 54 is respectfully requested.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 30, 31, 32 and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Thrasher. Claims 30, 32, 39 and 49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ruthenberg. Claims 30, 31, 39 and 50 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Poppenheimer. Claims 30, 32, 39 and 49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rowley. Claim 51 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Poppenheimer as applied to claims 30, 39 and 50 and further in view of

Thrasher. Claims 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being obvious over Rowley as applied to claims 30 and 32 and further in view of Poggi. Those rejections are respectfully traversed for at least the following reasons.

With regard to independent claim 30, the Office Action asserts that each of Thrasher, Ruthenberg, Poppenheimer, and Rowley, taken separately, teach all of the features of the claim. Applicant respectfully traverses those assertions because embodiments of the instant invention, as recited, for example, in independent claim 1, include features neither shown nor suggested by any of the applied art.

For example, independent claim 30 describes an underwater pool light that includes a lens sealingly connected to a housing by a plurality of fasteners. The underwater pool light also includes "a guard member adapted to prevent unfastening of at least one of the plurality of fasteners such that the light source is enclosed within a permanently sealed body." The features described in independent claim 30 include a guard member which prevents unfastening of the fasteners such that the light source remains enclosed within a permanently sealed body. As a result, the pool light of independent claim 30 is disposable in a manner that is neither shown nor suggested by any of the applied references of record.

As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." No single prior art reference contains each and every element of the claims.

Thrasher describes a pool light which has a lens 24 connected to a housing using barbed clips 78, and a decorative bezel that is fitted around the lens. See col. 5, line 37 of Thrasher.

The decorative bezel in Thrasher does not prevent access to the barbed clips. Moreover, Thrasher's bezel is not designed to prevent access to the barbed clips, because the Thrasher reference explains that a feature of its pool light is quick and easy serviceability. See col. 3, line 49 and col. 4, lines 55-62 of Thrasher. Accordingly, Thrasher's disclosure clearly teaches away from a feature in which a bezel prevents access to the barbed clips. Thus, Thrasher does not teach or even suggest features such as a "lens" and "guard member" that result in a disposable pool light including a light source that remains enclosed within a permanently sealed body.

Ruthenberg relates to a multicolor LED lamp bulb (col. 1, lines 42-50 of Ruthenberg) which can be utilized to replace conventional bulbs used in underwater pool lights. See col. 2, lines 57-63 of Ruthenberg. Applicant respectfully submits that the disclosed pool light of Ruthenberg, with the exception of the LED bulb, is therefore clearly conventional and is not designed to be disposable. Significantly, Fig. 1 of Ruthenberg shows the fasteners (which are not labeled) as easily accessible.

Poppenheimer discloses a bezel 12, illustrated in Figs. 4 and 5. Extending rearward from the bezel are clips 98, and the bezel can be pressed against the front of the housing 16 for interlocking engagement of the clips to the housing. See col. 3, lines 51-67 of Poppenheimer. Fig. 2 of Poppenheimer shows a bolt 34 that is clearly accessible. Col. 2, lines 48-57 of Poppenheimer discusses how the bolt may be removed for relamping.

Rowley relates to an underwater floodlight in which the cover is readily detachable to enable the bulb to be quickly and easily changed. See col. 1, lines 29-32 of Rowley. A retaining screw 46, which secures the face ring 42 to the shell 16 (col. 2, lines 28-45 of Rowley), is easily accessible. This is illustrated in Fig. 3. Col. 3, lines 33-40 of Rowley describe how the inner

housing 30 can be easily detached from the shell 16 by simply releasing the screw 46 to permit replacement of the bulb.

Accordingly, the disclosure of each of the applied references is directed to conventional pool lights which use replacement bulbs, similar to those arrangements discussed in the “Description of the Related Art” section of Applicant’s specification. Applicant’s specification discusses particular disadvantages associated with such conventional pool light arrangements which utilize replacement bulbs. See, for example, page 3, line 11 – page 4, line 6 of Applicant’s specification.

In order to overcome such disadvantages, embodiments of the instant invention, as described in independent claim 30, result in a pool light that is disposable as discussed, for example, at page 4, lines 8-18 of the instant application’s specification. Applicant’s specification explains that particular fittings are required in such a pool light to prevent any maintenance or bulb replacement from being attempted. This feature is particularly described in the combination of independent claim 30.

Applicant notes that independent claim 30 was amended in the Preliminary Amendment filed on May 24, 2005 in order to describe such advantageous features of the instant invention. Applicant notes further that claims having similar features, as included in the related United Kingdom case, were allowed in that country.

Applicant respectfully submits that, for at least the foregoing reasons, independent claim 30 of the instant application is not anticipated by any of the applied references to Thrasher, Ruthenberg, Poppenheimer, or Rowley. Accordingly, Applicant respectfully asserts that the rejections under 35 U.S.C. § 102(b) should be withdrawn because none of Thrasher, Ruthenberg,

Poppenheimer and Rowley, teach, or even suggest, the combination of features described in independent claim 30 of the instant application.

In addition, the rejections under 35 U.S.C. § 103(a) should also be withdrawn. MPEP § 2143.03 notes that “[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).” As explained above, the prior art teaches away from the invention, and does not contain any suggestion of all of the claim limitations.

Applicant thanks the Examiner for the indication that claims 34-38, 40-48 and 52-62, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form. However, Applicant respectfully asserts that these dependent claims, like the remaining dependent claims, are allowable at least because of their dependence from independent claim 30, and the reasons set forth above. Accordingly, withdrawal of the objection to those claims is respectfully requested. Moreover, it is respectfully submitted that the additionally applied reference to Poggi, with respect to claims 33 and 34, does not cure the deficiencies discussed above with regard to Rowley.

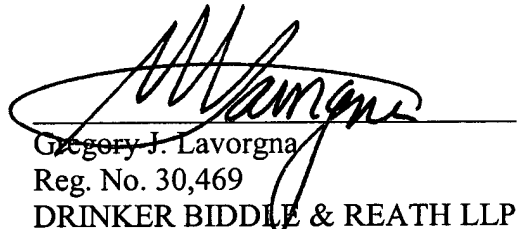
CONCLUSION

In view of the foregoing discussion, Applicant respectfully requests the withdrawal of all outstanding rejections and objections. Applicant submits that the pending claims are in condition for allowance, and respectfully requests reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant’s undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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